

Message Text

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PAGE 01 STATE 049345
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 /039 R

DRAFTED BY EB/TRA:JRATWOOD:BD
APPROVED BY EB/TRA:JRATWOOD
CAB:DAFARMER
OT:RAYOUNG
EUR/WE:EJBEIGEL

-----033290 250348Z /61

P 250057Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY PARIS PRIORITY
INFO AMEMBASSY BERN PRIORITY
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY THE HAGUE

UNCLAS STATE 049345

E.O. 11652: N/A

TAGS: EAIR, ECAC, FR

SUBJECT: ECAC CHARTER PRINCIPLES

1. PLEASE DELIVER FOLLOWING MESSAGE TO ECAC SECRETARIAT
ON OPENING OF BUSINESS FEBRUARY 27. A COPY IS ALSO
BEING MAILED, WITH COVER LETTER TO HANS RABEN. COVER
LETTER, FROM DEPUTY ASSISTANT SECRETARY ATWOOD READS:
"I ENCLOSE FOR DISCUSSION PURPOSES A DRAFT STATEMENT OF
PRINCIPLES CONCERNING NORTH ATLANTIC CHARTER AIR SERVICE.
AS YOU WILL SEE, IT ADDRESSES ONLY THE QUESTION OF
CHARTER SERVICES. WE RECOGNIZE, OF COURSE, THAT BOTH
SCHEDULED AND CHARTER SERVICES ARE IMPORTANT. I LOOK
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PAGE 02 STATE 049345

FORWARD TO OUR DISCUSSIONS ON THIS SUBJECT IN WASHINGTON."

2. THE ENCLOSED MEMORANDUM THEN READS: "FEBRUARY 21,
1978. DRAFT STATEMENT OF PRINCIPLES CONCERNING NORTH
ATLANTIC CHARTER AIR SERVICES. IT IS GENERALLY
ACKNOWLEDGED THAT A SATISFACTORY MULTILATERAL ARRANGE-
MENT WOULD FACILITATE COMMON UNDERSTANDING AND CREATE

RECEPTIVE CONDITIONS FOR CHARTER AIR SERVICES IN THE NORTH ATLANTIC MARKET. PROPERLY DRAFTED, SUCH AN ARRANGEMENT SHOULD PROVIDE TRAVELLERS, SHIPPERS, AND CHARTER CARRIERS ALIKE WITH A STABLE AND PROGRESSIVE FRAMEWORK FOR CHARTER OPERATIONS, WITH A MINIMUM OF

CONFLICTING STATE REGULATIONS. AN APPROPRIATE MULTI-LATERAL ARRANGEMENT MIGHT TAKE THE FORM OF A SINGLE AGREEMENT TO WHICH ALL NORTH ATLANTIC STATES WOULD BE PARTIES. ALTERNATIVELY, BILATERAL AGREEMENTS BETWEEN NORTH ATLANTIC STATES COULD EMPLOY UNIFORM PROVISIONS FOR THE BASIC ASPECTS OF CHARTER OPERATIONS. IN EITHER CASE, STATES SHOULD BE FREE TO ADOPT SPECIAL BILATERAL PROVISIONS TO MEET PARTICULAR MARKET NEEDS.

3. "A MULTILATERAL ARRANGEMENT, WHETHER STRUCTURED AS A MULTILATERAL AGREEMENT OR AS UNIFORM TERMS FOR BILATERALS, SHOULD INCLUDE THE FOLLOWING:

4. "1. GRANT OF RIGHTS. EACH PARTY WOULD GRANT APPROPRIATE RIGHTS SUCH THAT THE DESIGNATED AIRLINES OF THE OTHER PARTY OR PARTIES COULD OPERATE PASSENGER AND CARGO CHARTER AIR SERVICES BETWEEN THE COUNTRIES IN QUESTION.

5. "2. DESIGNATION AND AUTHORIZATION. EACH PARTY
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PAGE 03 STATE 049345

SHOULD BE PERMITTED TO MAKE MULTIPLE AIRLINE DESIGNATIONS FOR CHARTER SERVICES, AND ALL DESIGNATED AIRLINES SHOULD BE AUTHORIZED BY THE OTHER PARTY OR PARTIES TO CONDUCT SUCH SERVICES PROVIDED THAT STANDARD CONDITIONS AS TO AIRWORTHINESS, OWNERSHIP BY NATIONALS, ETC. WERE MET. IN LIEU OF REQUIRING PRIOR APPROVAL OF INDIVIDUAL FLIGHTS OR SERIES OF FLIGHTS, PARTIES WOULD GRANT BLANKET APPROVAL FOR CHARTER OPERATIONS AS IS COMMONLY DONE FOR SCHEDULED FLIGHTS.

6. "3. FAIR COMPETITION. CHARTER-DESIGNATED AIRLINES SHOULD HAVE A FAIR OPPORTUNITY TO COMPETE WITH SCHEDULED SERVICES AND AN EQUAL OPPORTUNITY TO COMPETE WITH OTHER CHARTER-DESIGNATED AIRLINES FOR CHARTER SERVICES. EACH PARTY WOULD AGREE TO APPLY ITS CHARTER RULES AND OTHER REGULATORY REQUIREMENTS IN A NON-DISCRIMINATORY MANNER, AND AIRPORT SERVICES AND FACILITIES WOULD ALSO BE PROVIDED NON-DISCRIMINATORILY. PARTIES WOULD NOT IMPOSE CAPACITY, FREQUENCY, OR REGULARITY RESTRICTIONS ON CHARTER OPERATIONS.

7. "4. CHARTERWORTHINESS RULES. EXCEPT AS PARTIES

MIGHT OTHERWISE AGREE, EACH PARTY WOULD ACCEPT AS CHARTERWORTHY TRAFFIC ORIGINATING IN THE TERRITORY OF ANOTHER PARTY AND COMPLYING WITH THE CHARTER RULES OF THAT OTHER PARTY. BY SEPARATE BILATERAL AGREEMENTS (OR PERHAPS IN SOME INSTANCES MULTILATERAL AGREEMENTS), PARTIES MIGHT ESTABLISH AGREEDXCEPTIONS TO THIS

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PAGE 04 STATE 049345

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8. "5. PRICING. GOVERNMENTS WOULD RELY PRIMARILY ON MARKET COMPETITION BETWEEN AIRLINES AND BETWEEN CLASSES OF AIR SERVICES AS THE MEANS TO ENSURE A HEALTHY AND EFFICIENT AIR TRANSPORT SYSTEM. PRICES BY CHARTER-DESIGNATED AIRLINES WOULD BE SUBJECT TO SURVEILLANCE BY THE COUNTRY OF TRAFFIC ORIGIN TO ENSURE THAT SUCH PRICES ARE NOT PREDATORY, DISCRIMINATORY, OR UNJUSTLY PREJUDICIAL OR PREFERENTIAL.

9. "6. ENFORCEMENT AND CONSUMER PROTECTION. THE DEVELOPMENT AND ENFORCEMENT OF CHARTER RULES AND CONSUMER-PROTECTION LEGISLATION SHOULD BE THE RESPONSIBILITY OF THE COUNTRY OF TRAFFIC ORIGIN, BUT COOPERATION IN ENFORCEMENT MATTERS IS TO BE EXPECTED FROM ALL PARTIES. PARTIES SHOULD MINIMIZE THE AMOUNT OF PAPERWORK IMPOSED ON CHARTERERS AND CHARTER-DESIGNATED AIRLINES, AND IN THIS REGARD SHOULD SEEK TO ACHIEVE RELATIVE UNIFORMITY IN FILING REQUIREMENTS. REGULATORY BARRIERS TO THE AVAILABILITY OF CHARTER SERVICES SHOULD BE AVOIDED.

10. "7. TERMINATION. THE MULTILATERAL CHARTER ARRANGEMENT FOR THE NORTH ATLANTIC SHOULD HAVE AN INDEFINITE TERM. SEPARATE BILATERAL ARRANGEMENTS ON SUCH MATTERS AS CHARTERWORTHINESS RULES, WHERE TEMPORAL MARKET CONDITIONS MAY BE A FACTOR, MIGHT BE FOR A SPECIFIED NUMBER OF YEARS."

COMMENT: EMBASSIES MAY, IN THEIR DISCRETION, SUPPLY COPIES OF FOREGOING TO ECAC MEMBER STATES. VANCE

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PAGE 01 STATE 049345

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INFO OCT-01 ISO-00 /009 R

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DRAFTED BY EB/TRA/OA/AN:JBMANOR

APPROVED BY EB/TRA/OA/AN:JBMANOR

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P 040510Z MAR 78

FM SECSTATE WASHDC

INFO AMEMBASSY OTTAWA PRIORITY 0000

UNCLAS STATE 049345

FOLLOWING REPEAT STATE 049345 ACTION PARIS

INFO BERN BONN BRUSSELS LONDON THE HAGUE 25 FEB 78

QUOTE

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, TEXT, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Draft Date: 25 feb 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE049345
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Enclosure: n/a
Executive Order: N/A
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Expiration:
Film Number: D780087-0356
Format: TEL
From: STATE
Handling Restrictions:
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Legacy Key: link1978/newtext/t19780212/aaaaajwx.tel
Line Count: 332
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: fe93b5cf-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: ONLY
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3473119
Secure: OPEN
Status: NATIVE
Subject: ECAC CHARTER PRINCIPLES
TAGS: EAIR, FR, ECAC
To: PARIS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/fe93b5cf-c288-dd11-92da-001cc4696bcc
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